

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John C. Martin Confirmation No.: 7326

Serial No.: 10/829,542

Group Art Unit: 3781

Filed: April 22, 2004

Examiner: Grosso, Harry A

For: METHOD AND APPARATUS FOR SOAKING AND DRAINING
WOOD CHIPS OR CHUNKS

Attorney Docket No.: 68,161-014

**AFFIRMATION OF THE ELECTION AND STATEMENT OF THE SUBSTANCE OF
THE INTERVIEW**

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On February 13, 2006, Applicants' Representative, Jeffery A. Sadowski, conducted a telephonic interview with Examiner Alexander. To summarize the Interview, the only issue discussed was the examiner's restriction under 35 U.S.C. §121 to claims 1 to 23. During the telephonic interview, the applicant made an election with traverse to prosecute the invention of Group I, claims 1 to 14, and withdrawal claims 15 to 23.

The Applicant respectfully traverses the Restriction Requirement on the following grounds. First, the Examiner mischaracterizes the subject matter of the claims. Claim 15 is directed to a container as claimed in claims 1 to 14 "having a passageway through which smoke from the heated wood chips or chunks can be directed to a specific portion of the grill". Claims

16 to 23 are directed to a method of soaking wood chips or chunks and draining fluid not absorbed by the wood chips or chunks. The apparatus as defined in claims 1 to 14 will necessarily perform the method of claims 16 to 23. Therefore, the Applicant respectfully submits that the Restriction Requirement is improper and requests withdrawal of the Restriction Requirement.

Although no fees are believed due, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

April 20, 2007
Date

/Jeffrey A. Sadowski/
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